

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2006-012150

08/09/2006

CR2005-012119-001 DT; CR1997-003949;
CR2005-013219-002 DT; CR2002-000827;
CR2005-114506-001 DT; CV2004-021467;
CR2006-005270-001 DT; CV2003-006316;
CR2005-130300-001 DT; CV2003-023327;
CR2005-014800-002 DT; CV2002-008576;
CR2004-020700-001 DT; CV2005-005601;
CR2003-021901-001 DT; CV2002-014646;
CR2005-011949-001 DT; CV2003-090696;
CR2005-110594-001 DT; CV2003-006534;
CR2005-008784-001 DT; PB2003-001353;
CV2003-004088; CV2004-016278;
CV2003-010632; CV2004-016500;
CV2006-053430; CV2004-010001;
CV2003-017918; CV2004-012838;
CV2002-018960; CV2005-009235;
CV2003-024688; CV2002-019986;
CV2004-024804; CV2004-011923;
CV2003-019960

HONORABLE WILLIAM J. O'NEIL

CLERK OF THE COURT
E. Schneider
Deputy

IN RE THE MATTER OF THE JURY
SELECTION PROCESS IN MARICOPA
COUNTY

MELISSA M ZABOR
PAUL E KNOST
ROBERT J SHUTTS
RICHARD K MILLER
MARYANN MCKESSY
ELMER D PARKER II
JESSI WADE
JASON R LEONARD
AARON F ARNOLD
STEVEN TUCKER
TERRY GODDARD JR.

SUPERIOR COURT OF ARIZONA
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JEFFERY MEHRENS
YIGAEEL COHEN
JULIA B CASSELS
ELLEN DAHL
JENNIFER C STEWART
JEFFREY BEAVER
SARAH ELIZABETH STONE
SHAWN FULLER
RAYMOND A KIMBLE
MANUEL DESI RUBALCABA
JAMES B MORSE JR.
THOMAS E GLOW
ELIZABETH COTTOR
LISA CARYLE POSADA
HENRY G HESTER III
ROGER F PANNETON
JEFFREY I OSTREICHER
GARY L POPHAM JR.
SCOTT A AMBROSE
SHARON K HAYNES
NORRIS L GANSON
WINN L SAMMONS
DANIEL R ORTEGA
STEPHEN C YOST
JAMES R BROENING
KEVIN C NICHOLAS
TIMOTHY J THOMASON
CAROL M ROMANO
PAUL G ULRICH
B ELLIOT GRYSSEN
TIMOTHY J CASEY
MICHAEL D WOLVER
H MICHEAL WRIGHT
MARGARET T MCCARTHY
RICHARD B ARROTTA
ARTHUR ZARAGOZA
CARTER MOREY
JAMES S RIGBERG
SAMUEL K CULLAN
DANIEL P JANTSCH

SUPERIOR COURT OF ARIZONA
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JEFFREY R TIMBANARD
JEFFREY J CAMPBELL
J ROBERT TOLMAN
STEPHEN I LESHNER
JAMES A FEIN
MARGARET F DEAN
K SCOTT REYNOLDS
J RUSSELL SKELTON
JUDITH A BERMAN
RICHARD K DELO
RICHARD A KENT
BRUCE C SMITH
STEVEN M FRIEDMAN
LAURENCE R SHARLOT
ROBERT J BRUNO
CHARLES A STRUBLE
MICHAEL D DICKS
THOMAS A WALCOTT
PETER C BROWN
WARREN R BROWN
WILLIAM H DOUGLAS
KENNETH M FRANKES
JOHN H ISHIKAWA
KENNETH JANUSZEWSKI
ANDREW R PESHEK
RINA K RAI
DEAN C ROBERTSON
CHRISTY M THOMPSON
MARK G WORISCHECK
JOHN DAVID SITTU
JOHN A KLECAN
DAVID E MCDOWELL
STEPHEN M HOPKINS
DENNIS I WILENCHIK
RICHARD T TREON
DAVID J DAMRON
MELINDA K CEKANDER
KAREN L LUGOSI
JOEL E SANNES
SANDRA L SLATON

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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DENISE J HENSLEE
SCOTT M ZERLAUT
GREGORY A PATTON
JOHN E DRAZKOWSKI
CRISTINA M CHAIT
DAVID M PATTON
DAVID A WENNER
PAUL M BRIGGS
ERYN M MCCARTHY
BARBARA A MARSHALL
DENNIS C JONES
WILLIAM J O'NEIL
KENT J HAMMOND
WILLIAM D HOLM
COMM. JOHNSON
JUDGE ARTHUR ANDERSON
JUDGE BACA
JUDGE BLAKEY II
JUDGE DUNEVANT
JUDGE GLENN DAVIS
JUDGE GRANVILLE
JUDGE HEILMAN
JUDGE HILLIARD
JUDGE HOFFMAN
JUDGE HOUSER
JUDGE JONES
JUDGE KATZ
JUDGE MAHONEY
JUDGE ROBERT MILES
JUDGE SCHNEIDER
JUDGE STEINLE
JUDGE SWANN

MINUTE ENTRY

8:52 a.m. This is the time set for a status conference regarding the cases involving the random countywide jury selection. Present are: Eryn M. McCarthy, representing the Superior

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Court of Maricopa County. Barbara Marshall, representing the County Attorney's Office. Dennis Jones, representing the Office of the Legal Defender. Also present: see copies of the sign-in sheets attached as part of this minute entry.

Court Reporter, Cindy Benner, is present. Also, a record of the proceeding is made by CD/videotape.

Counsel Richard Arrotta states that he has received the public records produced by the Maricopa County Superior Court – Responses to Requests dated April 7 and May 26, 2006. These records total 833 pages. Mr. Arrotta has made arrangements with Fed Ex Kinko's Copy and Print Center, 201 E. Washington St., Ste.101, Phoenix, AZ 85004 (602) 252-4055 so that all interested counsel may have copies made at a cost of 8 cents per page. The Court grants this request and all interested counsel may obtain these records through Kinko's.

Counsel Arrotta moves that he be allowed to conduct depositions of (1) Bob James, the Maricopa County Jury Commissioner; (2) the Honorable Colin F. Campbell and (3) John Barrett, the Chief Technical Officer of Maricopa County and discussion is held.

Counsel Jeffrey Ostreicher moves that the Court appoint counsel for the citizens of Maricopa County.

IT IS ORDERED denying counsel's request that counsel be appointed for the citizens of Maricopa County.

Counsel for the Superior Court requests that discovery be stayed until the report of their expert is received.

Discussion is held regarding three prospective people who have agreed to be a Discovery Master in this case.

The Court determines that the sole issue is: Is Maricopa County randomly selecting jurors' names from its master list as is required under A.R.S. Sections 21-312 and 313.

IT IS THEREFORE ORDERED cause numbers CV2003-006316, CV2003-090696, CV2003-006534, CV2003-023327, CV2002-019986, CV2003-024688 and CV2003-019960, as well as any future cases and/or motions filed which are challenging the random countywide jury selection process, be consolidated and heard under cause number CV2006-012150, **for the sole purpose of considering the issue of: "Is Maricopa County randomly selecting jurors' names from its master list as is required under A.R.S. Sections 21-312 and 313?"**

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The Court determines that those parties objecting to the regionalized selection process, regardless of the original party designation, are deemed to be Petitioners. Further, those who believe the regionalized approach is legal are deemed to be the Respondents. Future pleadings will be filed under a separate cause number. The Clerk of the Court is directed to get an actual separate civil cause number. The caption will be: "In Re the Matter of the Jury Selection Process in Maricopa County". The new case number is: CV2006-012150.

Petitioners shall meet and agree on one lead counsel to brief and argue the case. Respondents shall meet and also select one lead counsel to brief and argue their case. Lead counsel shall then contact this Court's Judicial Assistant and advise as to what the two sides tentatively agree to or if they disagree, submit their proposals. Each side shall submit to the Court their motions regarding discovery within twenty (20) days of this date.

The Court will allow the Attorney General's Office to file an amicus curiae brief on behalf of the Maricopa County Superior Court.

Argument is presented regarding the cessation of the Regional approach to the jury selection whether or not those cases awaiting trial should be remanded back to the respective Judges for trial.

IT IS ORDERED that those cases that have not yet gone to trial are withdrawn from this assignment and the cases are remanded back to the assigned Judges for a speedy resolution of the cases. Counsel shall submit formal written Orders to the Court for signature.

10:00 a.m. Matter concludes.

SIGN-IN SHEETS

PLEASE PRINT LEGIBLY

Attorney Name & Bar Number
(if appearing *pro hac vice*, please indicate so)

Gary L. Popham, Jr. 022260

Sharon Haynes 009113

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ARTHUR ZARAGOZA 020081

Scott Ambrose 012614

HEAR X HESTER 4051

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Mandi Skarvis 021858

JRGill 021096

Carol Romano 015988

Paul G. Ulrich 01838

Sandra Slafin - 006454
Parsons v. Givney - 2003-024688
for Plaintiff

Margaret McCartney 020002

Margaret Dean 007389

Who Do You Represent?
(list all parties you represent)

CASE NUMBER

CU 2003-006313
Δ Ban U7 Farms; City of Mesa
CV 2003-023327
Δ City of Phoenix

ARIAS CV 2003-006313

DORA ROMERO CV 2003-006313

Plaintiffs Shadoweys CV 2003-023327

Maria Kanger CV 2004-

021467
City of Phx 02002-008570
Dr. Anthony Kueng 02002-018960

ASage Engineering CV 2003-017918

Adams v. Ont, representing M. TOM, Ont.

Blaha v. Givney 2005-053430

Castelan v. Givney 2005-05601

Arman Pittman & Co.

Playdel Inc - PB 2003-00353

Cyprus Gavitt - CV 2005-005801

William Almy et al - CV 2003-024688

Thompson v. ATCC PB 2003-00352

CV 2005-009235 (Algi/die/em.)

CV 2003-010632 (B. mer T. bird)

CV 2004-016500 (Joseph)

8/9/00

SIGN-IN SHEETS

PLEASE PRINT LEGIBLY**Attorney Name & Bar Number**

(if appearing pro hac vice, please indicate so)

Richard W. Shapiro
T. Scott King 011562
Gene M. Cullen
Kathleen Elder
DAN JANTSCH
Stephen Booth # 016557 for Richard Kent
Charles A. Struble
Renaud, Cook
~~William W. Drury~~
William W. Drury
Renaud Cook
John Matter
Paul Briggs 016396
John Klecan 19.59
Larry Sharlot
JUDITH A BERMAN (017130)
Gordon Clewenger
TIMOTHY J KAMPER 41221

Who Do You Represent?

(list all parties you represent)

CASE NUMBER

William Ritchie
CV 2005 - 005601 (Dr. Schapke)
CV 2003 - 01632 (Cigna)
CV 2002 - 014646 (Dr. Pung)
CV 2004 - 016278
CV 2005 - 053430
DEF. HOLMES
CV 2004 - 016278
CV 2004 - 024804
CV 2004 - 010001
CV 2003 - 024688
CV 2005 - 005601
CV 2003 - 001353
CU 2004 - 007643
Defendant Gettlemann, et al
State Form v 2004
Defendant GE - 128
005 - 0246
Defendant CV 2004 - 010001
Blaha v Grawen, et al
CV 2005 - 053430
CV 2005 - 053430
CV 2003 - 010632 STEDM
DAI

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8/16/16

SIGN-IN SHEETS

PLEASE PRINT LEGIBLY**Attorney Name & Bar Number**(if appearing *pro hac vice*, please indicate so)

Norris L. Carlson 003533
Karen Lupo 010987
Barbara Marshall & 010809
David Wood 021463
H. Michael Wright 04277
Steven Friedman 01879
ROGER F. PANNETON 019559
Bruce C. Smith 011721
AAG Eryn MM-Carthy 015182
Dennis Jones 005897
Ben Shiffer 022691
Robert D. McCracken 03276
Daniel R. Ortega Jr. 5615
David WENNEW 9886

Who Do You Represent?(list all parties you represent)**CASE NUMBER**

CV 2002-004576 ATT
CV 2005-009235
All Maricopa Co.
Criminal matters
appearing for State
CV 2003 011553
Estate of Thompson
Plaintiffs CV 2004-010001
LANDIS CYCLERY INC.
CV 2004-021467
Gastelum, CV 2005-005601
Counsel for Def. Aymami
Counsel for Superior Court
of AZ in Maricopa County
Amicus curiae
LEROY CRUTTER
Dr. Heinrich CV 2005-053431
Louder Gastelum CV 2005-005601
Louder Gastelum CV 2005-005601
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8/9/06